

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1025

Children's Hospital Boston,
Appellant

v.

City of Boston,
Appellee

BOARD'S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1. Appellant sought review of a decision by the City of Boston's Inspectional Services Department ("ISD") concerning 780 CMR 1008.1.9.6, with respect to the installation of an additional locked door in Children's Hospital Boston's inpatient psychiatric ward.

Procedural History

On or about June 29, 2011, the ISD issued a Building Code Refusal regarding interior renovations of inpatient mental health area, including the installation of a new, secured, cross-corridor door, in the lock-down Psychiatric Department, citing violation of 780 CMR 1008.1.9.6.

The Board convened a public hearing on August 4, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

Discussion

The Board reviewed, discussed, and agreed with Appellant's presentation as set forth in the July 21, 2011 letter from Hughes Associates, Inc. to the Board.

Conclusion

The Board considered a motion to grant a variance from 780 CMR 1008.1.9.6, based on Appellant's having provided evidence from other authorities that Appellant's proposal is acceptable, and contingent upon the additional door's unlocking upon sprinkler/fire alarm activation ("Motion"). The Motion was **approved** by a unanimous vote.



H. Jacob Nunnemacher

Brian Gale, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: November 8, 2011